

ORDINANCE NO. 1520

AN ORDINANCE to amend Article III, Division 4 of Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new section numbered 22-93.3; which Chapter 22 relates to MOTOR VEHICLES AND TRAFFIC, which Division 4 relates to DRIVING AUTOMOBILE, ENGINE, ETC., WHILE UNDER INFLUENCE OF INTOXICANTS OR NARCOTICS, which Article III relates to OPERATION OF VEHICLES, and which new section numbered 22-93.3 relates to PRESUMPTIONS FROM ALCOHOLIC CONTENT OF BLOOD.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article III, Division 4 of Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 22-93.3 to read as follows:

Sec. 22-93.3. Presumptions from alcoholic content of blood.

In any prosecution for a violation of section 22-93, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of section 22-93.1 shall give rise to the following presumptions:

(1) If there was at that time 0.05 per cent or less by weight of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants;

(2) If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused; provided, however, such facts shall not preclude prosecution and conviction under section 22-93.2.

(3) If there was at that time 0.15 per cent or more by weight of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: November 26, 1968